

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6913**

**BILL NUMBER:** SB 457

**NOTE PREPARED:** Jan 20, 2011

**BILL AMENDED:**

**SUBJECT:** Informed Consent Requirements Before Abortion.

**FIRST AUTHOR:** Sen. Banks

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State

**Summary of Legislation:** This bill adds information that a pregnant woman must be informed of orally and in writing (current law requires that the information be given only orally) before an abortion may be performed concerning the physician, risks involved, information concerning the fetus, available assistance, and existing law.

The bill requires the Indiana State Department of Health (ISDH) to develop materials to be provided to a pregnant woman setting forth certain information and to post the materials on the ISDH web site.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** *Summary:* An estimate based on the experience of the Texas Department of State Health Services in implementing similar legislation indicates that \$28,800 to \$30,800 may be necessary initially to assemble, print, and distribute the required information in hard-copy. Some additional Indiana Office of Technology (IOT) expense is expected to be required to add the information to the web page and to maintain the information on the website. Annual ongoing printing and distribution costs are estimated to be \$10,000 to \$12,000 with some additional unknown level of staff costs associated with updating the required lists of available services.

The ISDH has provided an alternative estimate that 3 full-time positions and information technology services costing \$369,718 annually would be required to post and maintain the required information on the ISDH web site.

The State of Georgia has implemented similar legislation and includes the information on the state website.

The Georgia Department of Community Health has been contacted for that state's cost experience. Any information subsequently provided will added when it is available.

*Additional Details:* The bill requires specified information developed by the ISDH to be provided in hard copy to a pregnant woman and to be available on the ISDH web site. The information to be posted includes: scientific information regarding the development of a fetus including color pictures of every two weeks of gestational age; medically accurate information regarding the medical risks associated with abortion and childbirth; information regarding assistance for pregnancy and childbirth; information regarding a biological father's obligation to pay child support; and information regarding public and private agencies that provide assistance to women throughout pregnancy, childbirth, and the child's dependency. The list of public and private assistance agencies is required to be geographically indexed so that local services can be identified; to identify services that are provided at no cost; and to include specific contact information on adoption agencies on the list. The web site is also required to contain information regarding telephone 211 dialing for accessing human services and the types of services available through the 211 service.

ISDH has estimated that three positions - a senior data base analyst, a senior application developer, and a GIS developer will be necessary to post and maintain this information on the ISDH web page. ISDH estimates the total cost to post and maintain the specified information on the web site will be \$369,718.

Using assumptions based on Texas' experience, it is estimated that ISDH would need \$30,100 to \$32,100 in General Funds to implement the requirements of the bill. Annual printing and distribution costs of hard copies of the required information is estimated to be \$10,000 to \$12,000. Revisions of the listed data elements would require an unknown level of staff time that would depend on the frequency determined to be necessary for updates.

The state of Texas enacted a similar statute in 2003. The Texas Department of State Health Services estimated that 160 hours were used to assemble the initial booklet of required information. Texas personnel suggested that by using the Texas template that Indiana could reduce the amount of time required to assemble all the required information. If 160 hours were required to assemble the information, using an average total cost of \$32 per hour, assembling a booklet would be anticipated to cost approximately \$5,100. The ISDH could potentially contract for this work if no in-house staff is available.

The Texas Department further reported that the photographs used to illustrate the development phases of the embryo and fetus are copyrighted and cost \$15,000 for the original version. Any subsequent revisions of the material would require an additional \$15,000 expenditure. Texas prints and distributes versions in English and Spanish using a total of approximately 15,000 copies each year. Printing is done in-house for about \$0.75 per English copy and \$0.78 per Spanish copy. ( The bill does not require a Spanish version of the information.) Texas providers may order the booklets, which are provided free of charge. Since the Texas population is almost four times that of Indiana, Indiana would be assumed to need about 4,300 hard copies of the document annually. The bill requires the availability of hard-copy documents, so assuming that Indiana would develop documents of 24 to 26 pages and provide it free of charge, and printing costs were similar to those in Texas, printing costs might amount to \$5,000 to \$6,000.

Distribution costs would be an additional expenditure that would be expected to be at least as much as the printing costs, or \$5,000 to \$6,000 per year.

The Texas Department of State Health Services reported that they could not easily determine a cost to include

the information on the web site since both the documents including a list of services available by county were simply converted into a PDF document and posted to the web site as a routine function of maintaining the web site.

The ISDH may have additional costs related to adding the required information to the existing web page and routine costs associated with maintaining data on the web as assessed by the Indiana Office of Technology.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** ISDH.

**Local Agencies Affected:**

**Information Sources:** Brian Carnes, Legislative Liaison for ISDH at 317-234-3808; Texas Department of State Health Services and Texas Women’s Right to Know web page at:

<http://www.dshs.state.tx.us/wrtk/default.shtm>; and Georgia Women’s Right to Know web page at: <http://health.state.ga.us/wrtk/>.

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